IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

TAREK ISAAK MENTOURI,)
Plaintiff,))
v.) NO. 3:20-cv-01098
THE JOINT CORP., d/b/a THE JOINT)) JUDGE CAMPBELL
CHIROPRACTIC MANAGEMENT) MAGISTRATE JUDGE HOLMES
COMPANY, et al.,)
Defendants.))
	NDDED

ORDER

Pending before the Court is Plaintiff's Objections to the Magistrate Judge's Report and Recommendation. (Doc. No. 27). Through prior Order (Doc. No. 26), the Court granted Plaintiff an extension until December 1, 2021, to file objections to the Magistrate Judge's July 2021 Report and Recommendation (Doc. No. 17). For the reasons described below, Plaintiff's objections fail to state viable grounds to challenge the Magistrate Judge's conclusions, nor do they otherwise provide a basis to reject or modify the Report and Recommendation. Accordingly, the Court reaffirms its prior Order (Doc. No. 18) granting The Joint Corp.'s motion to dismiss and dismissing Plaintiff's ADA claim as to all Defendants.

In his objections, Plaintiff does not identify any specific factual or legal error the Magistrate Judge committed in determining that the Joint Corp.'s motion to dismiss should be granted or that his ADA claim should be dismissed as to all defendants for failure to state a legal claim for relief. Instead, Plaintiff appears to restate the argument he made in response to the Joint Corp.'s motion to dismiss, that the Joint Corp.'s relationship to the other defendants is an unresolved material issue that should be resolved through discovery, (*see* Doc. No. 12 at PageID # 60; Doc. No. 27 at

PageID #144), which the Magistrate Judge already considered in her Report and Recommendation.

(See Doc. No. 17 at 3-4 ("Plaintiff also contends that discovery should take place to determine

the nature of the The Joint Corp.'s relationship with the other Defendants.")). Thus, this objection

does not provide a basis to reject or modify the Report and Recommendation. See VanDiver v.

Martin, 304 F. Supp. 2d 934, 937 (E.D. Mich. 2004) ("An 'objection' that does nothing more than

state a disagreement with a magistrate's suggested resolution, or simply summarizes what has been

presented before, is not an 'objection' as that term is used in this context.").

Plaintiff also objects to arguments made by The Joint Corp. (See Doc. No. 27 at PageID

#27). However, this objection is without merit because it fails to identify an error by the Magistrate

Judge. See Howard v. Sec. of Health & Human Servs., 932 F.2d 505, 509 (6th Cir. 1991). Plaintiff's

request for leave to file a Second Amended Complaint is not properly before the Court because he

failed to seek leave to amend from the Magistrate Judge. See Murr v. United States, 200 F.3d 895,

902 n. 1 (6th Cir. 2000) ("[W]hile the Magistrate Judge Act, 28 U.S.C. § 631 et seq., permits de

novo review by the district court if timely objections are filed, absent compelling reasons, it does

not allow parties to raise at the district court stage new arguments or issues that were not presented

to the magistrate."). Moreover, Plaintiff fails to identify or describe the substance of the

amendments he would make, as required by the Court's Local Rules. See Local Rule 15.01(a)(1).

The Clerk is directed to close the file.

It is so **ORDERED**.

WILLIAM L. CAMPBELL, **9**K.

UNITED STATES DISTRICT JUDGE